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TITLE 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter H—Determination of Wage Rates

[Sugar Determination 866.6]

PART 866—SUGARCANE: HAWAII

FAIR AND REASONABLE WAGE RATES FOR PERSONS EMPLOYED IN PRODUCTION, CULTIVATION, OR HARVESTING OF SUGARCANE IN HAWAII DURING 1954 AND SUBSEQUENT CALENDAR YEARS

Pursuant to the provisions of section 301 (c) (1) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation, and consideration of the evidence obtained at the public hearing held in Hilo, Territory of Hawaii, on October 1 and 2, 1953, the following determination is hereby issued:

§ 866.6 *Fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in Hawaii during 1954 and subsequent calendar years*—(a) *Requirements.* A producer of sugarcane in Hawaii shall be deemed to have complied with the requirements of section 301 (c) (1) of the act during 1954 and subsequent calendar years, if all persons employed on the farm in production, cultivation and harvesting work shall have been paid in accordance with the following:

(1) *Wage rates.* All such persons shall have been paid in full for such work and shall have been paid in cash therefor at rates as agreed upon between the producer and laborer.

(b) *Subterfuge.* The producer shall not reduce the wage rates to laborers below those determined in this section through any subterfuge or device whatsoever.

(c) *Claim for unpaid wages.* Any person who believes he has not been paid in accordance with this section may file a wage claim with the Director of the Hawaiian Agricultural Stabilization and Conservation Office, U. S. Department of Agriculture, Honolulu 13, T. H., against the producer on whose farm the work was performed. Such claim must be filed within two years from the date the work with respect to which the claim is made was performed. Detailed instructions and wage claim forms are available at the Hawaiian Office. Upon receipt of a wage claim, the Director of the Hawaiian Office shall thereupon notify the producer against whom the claim is made concerning the representation made by the worker and, after making such investigation as he deems necessary, shall notify the producer and worker in writing of his recommendation for settlement of the claim. If the recommendation of the Director of the Hawaiian Office is not acceptable, either party may file an appeal with the Director of the Sugar Division, Commodity Stabilization Service, U. S. Department of Agriculture, Washington 25, D. C. Such appeal shall be filed within 15 days after receipt of the recommended settlement from the Area Office; otherwise such recommended settlement will be applied in making payments under the act. If a claim is appealed to the Director of the Sugar Division, his decision shall be binding on all parties insofar as payments under the act are concerned.

(d) *Effective period.* The provisions of this section shall be effective as of January 1, 1954, and shall remain in effect until amended, superseded, or terminated.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination provides as one of the conditions for payment under the act, that a producer must pay in full for all work performed by persons employed in the production, cultivation, or harvesting of sugarcane at rates not less than those as agreed upon between the producer and the worker.

(b) *Requirements of the act.* Section 301 (c) (1) of the act requires "That all persons employed on the farm in the production, cultivation, or harvesting of sugar beets or sugarcane with respect to which an application for payment is made shall have been paid in full for all such work, and shall have been paid wages therefor at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing;" In making such determination the Secretary is required to take into consideration (1) the standards formerly established by the Secretary under the Agricultural Ad-

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FEDERAL REGISTER

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Titles 28–29 ($1.25)

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justment Act, as amended, (i. e. cost of living, prices of sugar and by-products, income from sugarcane and cost of production); and (2) the differences in conditions among the various sugar producing areas.

(c) *Background.* Wage determinations have been issued each calendar year since 1937 for the Hawaiian sugar producing area. Specific wage rates were provided in the determinations covering the years 1937 through 1946. Beginning with the 1947 wage determination, specific wage rates were not included, but provision was made that the wage rates be not less than those agreed upon between the producer and the worker. The transition to the "agreed upon" type of wage determinations was made coincident with the emergence of collective bargaining agreements between representatives of the majority of sugar plantations in Hawaii and representatives of the International Longshoremen's and Warehousemen's Union. Each of the wage determinations issued for the years 1948 through 1953 has contained a statement to the effect that the

level of wages indicated by the standards customarily considered under the act did not exceed the level of the wages as negotiated between representatives of producers and workers.

Collective agreements between producers and workers first were negotiated in 1945. The first agreement provided minimum wage rates of 43½ cents per hour for all Islands except Hawaii, where the minimum was 41 cents per hour. In subsequent years the agreements have resulted in progressively higher wage rates. Prior to September 1, 1953 the minimum average base wage level negotiated was about $1.12 per hour. In addition to the increased basic wage rates improvements were made in fringe benefits, such as overtime, vacation pay, sick leave pay, etc. It is estimated that for 1953 earnings of workers, including incentives and fringe benefits, were about $1.75 an hour.

(d) *Wage determination.* This determination differs from recent wage determinations only with respect to the effective period. Whereas prior wage determinations have been effective for a specified calendar year, this determination will remain in effect until amended, superseded, or terminated. It continues the requirement of recent determinations for the payment of wage rates not less than those as agreed upon between producers and workers for purposes of compliance with the wage provisions of the act.

A public hearing was held in Hilo, Territory of Hawaii, on October 1 and 2, 1953, at which time interested persons were given the opportunity to present testimony with respect to fair and reasonable wage rates for the calendar year 1954. The representative of 27 plantation companies recommended that fair and reasonable wage rates for 1954 be those paid by the plantations at the time of the public hearing. A representative of one plantation which does not negotiate a collective agreement also recommended approval of existing rates. No testimony was presented by representatives of the workers.

On March 25, 1954, negotiators for the Hawaiian plantation companies and the International Longshoremen's and Warehousemen's Union signed a memorandum agreement superseding the previous 1951–1954 agreement. The new agreement covers, with respect to wages and fringe benefits, the period from September 1, 1953, to January 31, 1956, with no re-openings. Wage increases of four cents per hour, effective September 1, 1953, were stipulated for all classes of workers. The increase in fringe benefits has been estimated at about 3½ cents per hour. Other changes were made in working conditions. The average minimum base wage for all classes of workers on the majority of plantations is now approximately $1.16 per hour. It is estimated that average earnings, including incentives and fringe benefits, of workers in 1954 will approximate $1.80 per hour.

The trend of wage rates and other benefits accruing to workers under collective agreements has been examined each year since 1945. Generally, the separate agreements have run for protracted periods and have been opened for renegotiation during the calendar year period for which wage determinations customarily have been issued. Settlements have been agreed upon through bargaining procedures after consideration has been given to economic conditions existing at the time.

Consideration has been given to recommendations made by interested parties; to information resulting from investigation; to data which reflect the returns, costs and profits of sugarcane producers; to the current collective agreement between representatives of the plantations and the workers; and to other factors customarily considered in wage determinations. Analysis of these factors does not indicate wage rates as high as those negotiated in the current collective agreement. In view of the foregoing and since the agreement recently negotiated does not expire until January 31, 1956, this determination is issued effective as of January 1, 1954, to remain in effect until amended, superseded or terminated. The Department will periodically survey and analyze conditions to insure that workers continue to receive the protection afforded by the wage provisions of the act.

The number of sugarcane field workers employed in Hawaii during 1953 covered by collective agreements was in excess of 90 percent of the total employed. Representatives of two producers who employ about three percent of the workers who are not covered by the union agreement testified at the recent hearing that wages paid such workers were equivalent to those paid workers covered by the union agreement. The wage rates paid to the remaining group of workers hired by small producers have been influenced by the wage structure for the majority of workers thereby providing wage protection for this group.

Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 301, 61 Stat. 929; 7 U. S. C. 1131)

Issued this 19th day of May 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54-3994; Filed, May 21, 1954; 8:51 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 4]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.304 *Valencia Orange Regulation 4*—(a) *Findings.* (1) Pursuant to Order No. 22 (19 F. R. 1741), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective March 31, 1954, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Valencia Orange Administrative Committee held an open meeting on May 20, 1954, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., May 23, 1954, and ending at 12:01 a. m., P. s. t., May 30, 1954, is hereby fixed as follows:

(i) District 1: 231,000 boxes;

(ii) District 2: 207,900 boxes;

(iii) District 3: Unlimited movement.

(2) Valencia oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(3) As used in this section, "handled," "handler," "boxes," "District 1," "District 2," and "District 3," shall have the same meaning as when used in said order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 21, 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-4043; Filed, May 21, 1954; 11:31 a. m.]

[Orange Reg. 258]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.683 *Orange Regulation 258*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all oranges, except Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than May 24, 1954. Shipments of all oranges, except Temple oranges, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order and will so continue until May 24, 1954; the recommendation and supporting information for continued regulation subsequent to May 23, 1954, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on May 18; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time of this section, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all oranges, except Temple oranges; and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., May 24, 1954, and ending at 12:01 a. m., e. s. t., June 7, 1954, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 1 Russet; or

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than a size that will pack 288 oranges, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, the terms "handler," "ship," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1 Russet," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Florida Oranges (§§ 51.1140 to 51.1186 of this title).

Shipments of Temple oranges, grown in the State of Florida, are subject to the provisions of Orange Regulation 244 (§ 933.647; 18 F. R. 7380).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 19, 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-3990; Filed, May 21, 1954; 8:50 a. m.]

[Grapefruit Reg. 202]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.684 *Grapefruit Regulation 202*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than May 24, 1954. Shipments of grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until May 24, 1954; the recommendation and supporting information for continued regulation subsequent to May 23, 1954, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on May 18; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time of this section, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., May 24, 1954, and ending at 12:01 a. m., e. s. t., June 7, 1954, no handler shall ship:

(i) Any white seeded grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 1 Russet;

(ii) Any white seedless grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 2 Russet;

(iii) Any white seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(iv) Any white seedless grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 112 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) During the period beginning at 12:01 a. m., e. s. t., May 24, 1954, and ending at 12:01 a. m., e. s. t., July 31, 1954, no handler shall ship:

(i) Any pink grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 2 Russet.

(3) As used in this section, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 1 Russet," "U. S. No. 2 Russet," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 19, 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-3992; Filed, May 21, 1954; 8:50 a. m.]

[Lemon Reg. 538]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.645 *Lemon Regulation 538*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 18 F. R. 6767), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on May 19, 1954, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., May 23, 1954, and ending at 12:01 a. m., P. s. t., May 30, 1954, is hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 550 carloads;
(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 537 (19 F. R. 2800) and made a part of this section by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2," and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 20th day of May 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-4018; Filed, May 21, 1954; 8:57 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Revised, Amdt. 28]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

SUBPART B—VESICULAR EXANTHEMA

CHANGES IN AREAS QUARANTINED

Pursuant to the provisions of sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123, 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111-113, 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), § 76.27, as amended, Subpart B, Part 76, Title 9, Code of Federal Regulations (19 F. R. 1367, 1597, 1947, 2226, 2247, 2516, 2693), which contains a notice of the areas in which swine are affected with vesicular exanthema, a contagious, infectious, and communicable disease, and which quarantines such areas because of said disease, is hereby further amended in the following respects:

1. Subparagraphs (3) and (14) of paragraph (b), relating to Colusa and Plumas Counties, respectively, in California, are deleted.

2. Subparagraphs (2), (10), (13), (19), and (20) of paragraph (b), relating to California, are amended to read:

(2) That area lying north and west of State Highway No. 24, south of the Richvale-Oroville Highway, and east of the Feather River; and that area lying north of Humboldt Road, south of Eighth Avenue and Big Chico Creek, west of Ponderosa Way, and east of Forest Avenue, in Butte County.

* * * * *

(10) Sec. 19, T. 18 N., R. 17 W., M. D. B. & M.; Sec. 29, T. 20 N., R. 14 W., M. D. B. & M.; Secs. 4 and 27, T. 15 N., R. 12 W., M. D. B. & M.; Secs. 3, 4, 20, and 29, T. 18 N., R. 13 W., M. D. B. & M.; Sec. 22, T. 19 N., R. 13 W., M. D. B. & M.; Sec. 1, T. 22 N., R. 13 W., M. D. B. & M.; Sec. 30, T. 13 N., R. 11 W., M. D. B. & M.; Sec. 31, T. 17 N., R. 12 W., M. D. B. & M.; Sec. 20, T. 19 N., R 17 W., M. D. B. & M.; and Sec. 2, T. 13 N., R. 14 W., M. D. B. & M., in Mendocino County.

* * * * *

(13) That area lying north of County Road No. P10, south and east of U. S. Highway No. 40, and west of County Road No. P18 and its prolongation to U. S. Highway No. 40; that area lying north of Flood Road, south of Dry Creek Road, west of U. S. Highway No. 40, and east of State Highway No. 49; and that area lying south of Colfax Iowa Hill Road, north of Bunch Ravine Road, west of the North Fork American River, and east of U. S. Highway No. 40, in Placer County.

* * * * *

(19) NW. ¼ Sec. 11 and E. ½ of SE. ¼ Sec. 34, T. 9 N., R. 2 E., M. D. B. & M.; SE. ¼ of NW. ¼ Sec. 30, T. 10 N., R. 2 E., M. D. B. & M.; that area included within a boundary beginning at a point one mile east of the intersection of County Road No. 93 and State Highway No. 16, extending east along State Highway No. 16 for a distance of 176 yards, thence north ¼ mile, thence west 176 yards, thence south to point of origin in Sec. 33, T. 10 N., R. 1 E., M. D. B. & M.; and that area included within a boundary beginning at the intersection of County Roads Nos. 124 and 126, extending south ¼ mile, thence west ½ mile, thence north ¼ mile, thence east to County Road No. 124, and thence southeast along County Road No. 124 to the point of origin, in Yolo County.

(20) That area lying north of the extension of the north boundary of Marysville City limits to the Yuba River, south of Plantz Road and its prolongation to the Yuba River, west of the Yuba River, and east of State Highway No. 20; and that area lying north of Old Earle Road, south of Upper Camp Beale Road, west of corner of Camp Beale, and east of Griffith Avenue, in Yuba County.

3. Subdivisions (iv), (v), (vi), (viii), (xiii), (xiv), and (xvi) of subparagraph (2) of paragraph (e), relating to Bristol County in Massachusetts, are amended to read:

(iv) That part of the City of New Bedford lying north of Quanipaugh Road, south of Plainville Road and Tarkin Hill Avenue, west of the New York, New Haven, and Hartford Railroad, and east of High Hill Road; that

part of the City of New Bedford lying north of Tarkin Hill Road, south of Braley and Phillips Roads, east of the New York, New Haven, and Hartford Railroad, and west of Church Street; and that part of the City of New Bedford lying north of Braley Road, west of State Route No. 140, and east of the New York, New Haven, and Hartford Railroad.

(v) That part of the City of Norton lying north, south, and east of Smith Street and west of Mansfield Avenue; that part of the Town of Norton lying northeast of Mansfield Avenue, southwest of Elm Street, northwest of State Route No. 123, and southeast of Reservoir Street; that part of the Town of Norton lying northeast of Elm Street, northwest of State Route No. 123, southeast of Cross Street, and southwest of North Washington Street; that part of the Town of Norton lying north of Pleasant Street and State Route No. 123, south and east of Richardson Avenue, and west of North Worcester Street; and that part of the Town of Norton lying north of South Worcester and Barrows Streets, south of State Route No. 123 and Main Street, west of Summer Street, and east of Power Street.

(vi) That part of the Town of North Dartmouth lying south of Hicksville Road, east of Cross Street, west of Bellen Street, and northeast of Cross Road and U. S. Route No. 6; that part of the Town of North Dartmouth lying north of Old Fall River Road and west of North Hixville Road; that part of the Town of North Dartmouth lying north of Old Fall River Road, south of Wilbur Road, west of High Hill Road, and east of Flag Swamp Road; and that part of the Town of North Dartmouth lying north and west of Collins Corner Road and east of North Hixville Road.

* * * * *

(viii) That part of the Town of Raynham lying north of Mill Street, east of State Route No. 104, south of Gardner Street, and west of King Phillip Street; that part of the Town of Raynham lying north of South Street and south, east, and west of South Main Street; that part of the Town of Raynham lying north of Judson Street, south of King Street, east of Orchard Street, and west of Locust Street; and that part of the Town of Raynham lying north of Thrasher Street, south and west of King Phillip Street, and east of Broadway and State Route No. 138.

* * * * *

(xiii) The Myles Standish State School in the Town of Taunton lying east of State Route No. 140, south and west of Bassett Street, and north of the New York, New Haven, and Hartford Railroad; that part of the City of Taunton lying south of Norton Avenue, west of Crane Avenue, north of the New York, New Haven, and Hartford Railroad, and east of State Route No. 140; that part of the City of Taunton lying south of Thrasher Street, north of Longmeadow and Winter Streets and U. S. Route No. 44, east of School Street, and west of King Phillip Street; that part of the City of Taunton lying south of East Brittania, north of Thrasher Street, east of Washington Street, and west of King Phillip Street; that part of the City of Taunton lying south of Tremont Street, north of Glebe Street, east of Burt Street, and west of North Walker Street; that part of the City of Taunton lying north of Spring Street, south of Cohannet Street, west of Dighton Avenue, and east of the Three Mile River; that part of the City of Taunton lying north of Orchard Street, south of the Taunton River, west of the New York, New Haven, and Hartford Railroad, and east of Plain Street; that part of the City of Taunton lying north of Seekell Street, south of Caswell Street, west of South Precinct Street, and east of Staples Street; and that part of the City of Taunton lying north of Bear Hole Road, south of Middleboro Avenue, and east of South Precinct Street.

(xiv) That part of the Town of Westport lying east of Main Road, north of Kirby Road, west of Drift Road, and south of Old County Road; that part of the Town of Westport lying north of Narrow Avenue, south of State Route No. 177 and Old County Road, east of Crandell Road, and west of Soddom Road; that part of the Town of Westport lying north of Hix Bridge Road, south of Old County Road, east of Drift Road, and west of the Westport River; that part of the Town of Westport lying north of Hix Bridge Road, south of Old County Road, west of Fisher Road and White Oak Run Road, and east of Pine Hill Road; that part of the Town of Westport lying north of Old New Bedford Road, south of Fall River, and east of Blossom Street; that part of the Town of Westport lying north of State Route No. 177, south of Charlotte White Road, west of Soddom Road, and east of Main Road and Old County Road; and that part of the Town of Westport lying north of Kirby Road, south of County Road, west of Drift Road, and east of Main Road.

* * * * *

(xvi) That part of the Town of Seekonk lying north of Asylum Street, south of County Street, west of Miller Street, and east of Bradley Street; that part of the Town of Seekonk lying north of Ledge Road, south of Newman and Woodward Avenues, west of Runnins River, and east of Arcade Avenue; that part of the Town of Seekonk lying north of Read and Walker Streets, south of Brown Avenue, east of Newman Avenue and State Route No. 152, and west of Pine Street; that part of the Town of Seekonk lying north of Ledge Road and Jacobs Street, south of Woodward Avenue, west of Prospect Street, and east of Runnins River; that part of the Town of Seekonk lying north of Mill Road and County Street, south of Chestnut Street, west of Hammond Street, and east of Arcade Avenue; that part of the Town of Seekonk lying north of Taunton Avenue and U. S. Route No. 44, south of Ledge Road, west of Arcade Avenue, and east of Pleasant Street; and that part of the Town of Seekonk lying north of Anthony Street, south of County Street, west of Asylum and Bradley Streets, and east of Olney Street.

4. A new subdivision (xxiii) is added to subparagraph (2) of paragraph (e), relating to Bristol County in Massachusetts, to read:

(xxiii) That part of the Town of North Westport lying north of State Route No. 177, south of Osburn Street, west of State Route No. 6, and east of Gifford Road.

5. Subdivisions (x) and (xv) of subparagraph (3) of paragraph (e), relating to Essex County in Massachusetts, are amended to read:

(x) That part of the Town of Ipswich lying east of Town Farm Road, south of the Rowley River, west of East Street and Plum Island River, and north of High Street; that part of the Town of Ipswich lying south and east of Pine Swamp Road, north of Topsfield Road, and west of State Route No. 1–A; that part of the Town of Ipswich lying northwest of East Street, east of Spring Street and Town Farm Road, and south of the Plum Island River; and that part of the Town of Ipswich lying southwest of Linebrook Road and east and northwest of Pine Swamp Road.

* * * * *

(xv) That part of the City of Peabody lying northeast of Lake Street (rear), northwest of the Boston and Maine Railroad, and southwest of Lake Street; that part of the City of Peabody lying north of Goodale Street, south of the Middleton Town Foundry, west of U. S. Route No. 1, and east of Morris Brooks; that part of the City of Peabody lying east of Farm Avenue, south of Forest Street, and north and west of Goldthwaite Brook; that part of the City of Peabody lying north of Lowell Street and east, west, and south of Goodale Street; that part of the City of Peabody lying north of Winona Street, south of Lowell Street, and west of Lake Street; that part of the City of Peabody lying south of Forest Street, north of State Route No. 128, east of U. S. Route No. 1, and west of Farm Avenue; that part of the City of Peabody lying south of Lynnfield Street, west of Lynn Street, north of Glenway Street, and east of the junction of Lynnfield and Glenway Streets; that part of the City of Peabody lying northeast of Russell Street and southwest of the Boston and Maine Railroad; that part of the Town of Peabody lying south of State Route No. 114, north of the Lowell Branch of the Boston and Maine Railroad, east of Prospect Street, and west of State Route No. 128; that part of the Town of Peabody lying east of U. S. Route No. 1, south of Forest Street, north of Locust Street, northwest of State Route No. 128, and west of Farm Avenue; that part of the Town of Peabody lying north of Lynn Street, south of Lynnfield Street, and east of the junction of Lynnfield and Lynn Streets; that part of the Town of Peabody located on Farm Avenue, known as West Lot in Follet's Wood, consisting of about 5 acres, owned and occupied by John Contoni, whose address is 45 Farm Avenue; that part of the Town of Peabody located on Rockfarm Avenue, lying approximately 600 feet east of the junction of State Route No. 128 and Rockfarm Avenue, consisting of about 5 acres, owned and occupied by John Pais; that part of the Town of Peabody lying north of Lowell Street, south of the Lowell Branch of the Boston and Maine Railroad, and west of Birch Street; that part of the Town of Peabody located on Lynnfield Street, consisting of about 23 acres, owned and occupied by Sancho Domingos, whose address is 285 Lynnfield Street; that part of the Town of Peabody located on Farm Avenue consisting of about 4½ acres, owned and occupied by Nicholas Papanickolas, whose address is 7 Farm Avenue; that part of the Town of Peabody included within a boundary beginning at a point approximately 2 miles north of the intersection of U. S. Route No. 1 and State Route No. 128, extending northerly along Farm Avenue for a distance of approximately 875 feet, thence easterly 300 feet, thence southerly approximately 875 feet, and thence westerly 300 feet to point of beginning, consisting of about 6 acres, owned by B. Kozak and leased by Joseph Peterson and Thomas Peculkonis; and that part of the Town of Peabody included within a boundary beginning at a point on Circumserential Highway approximately two miles north of U. S. Route No. 1, thence southerly for a distance of approximately 640 feet, thence westerly 530 feet, thence northwesterly for approximately 296 feet, thence easterly along Circumserential Highway to point of beginning, consisting of about 7 acres, owned by Harry Chigas and leased by Harry London.

6. Subdivision (v) of subparagraph (4) of paragraph (e), relating to Hampden County in Massachusetts, is amended to read:

(v) That part of the City of West Springfield lying south of U. S. Route No. 202 and State Route No. 10, north and east of U. S. Route No. 20, and west of the Connecticut River; that part of the Town of West Springfield lying north and east of Morgan Road, south of Prospect Avenue, and west of Birnie Avenue; and that part of the Town of West Springfield lying north of Dewey Street, south of Prospect Avenue, east of Great Plain Road, and west of Morgan Road.

7. New subdivisions (xii) and (xiii) are added to subparagraph (4) of paragraph (e), relating to Hampden County in Massachusetts, to read:

(xii) That part of the Town of Ludlow lying north of Yale Street, south of Cedar Street, east of East Street, and west of the New Super Highway; and that part of the Town of Ludlow lying north of Cady Street, south and west of Holyoke Street, and south and east of West Street.

(xiii) That part of the Town of Palmer lying north and west of Main Street, south of Pleasant Street, and east of Bondsville Road.

8. Subdivisions (vi), (ix), (xi), (xii), (xvii), (xxiii), (xxvii), (xxix), and (xxxii) of subparagraph (5) of paragraph (e), relating to Middlesex County in Massachusetts, are amended to read:

(vi) The Town of Burlington.

* * * * *

(ix) That part of the Town of Concord lying north of Main Street, southeast of Marlborough Road, and southwest of State Route No. 2; that part of the Town of Concord lying south of Laws Brook Road, north of the Boston and Maine Railroad, east of Old Stone Road, and west of Central Street; that part of the Town of Concord lying south of Lowell Road, north of Strawberry Hill Road, and west of the Concord River; that part of the Town of Concord lying south of the Concord River, north of the Fitchburg Turnpike, and east of Sudbury Road; and that part of the Town of Concord lying north of Old Mill Road, south of State Route No. 2, east of State Route No. 62, and west of Diken Road.

* * * * *

(xi) That part of the Town of Framingham lying south and west of Indian Head Road, east of Prospect Street, and north of State Route No. 9; and that part of the Town of Framingham lying north of State Route No. 9 and west of Edgell Road.

(xii) That part of the Town of Holliston lying south of Central Street, west of Fisk Street, and east of Norfolk Street; that part of the Town of Holliston lying southeast of State Route No. 16, southwest of the New York Central Railroad, and north of Woodland and Lowland Streets; that part of the Town of Holliston lying north of Prentice Street, south of Mill Street, and west of North Mill Street; that part of the Town of Holliston lying north of Underwood Street, south of Prentice Street, east of Marshall Street, and west of Chamberlain Street; and that part of the Town of Holliston lying south of Central Street and east of Norfolk Street.

* * * * *

(xvii) That part of the Town of Marlboro lying south of Robin Hill Road, east of Millham Road, west of Bigelow Street, and north of Elm Street; that part of the Town of Marlboro lying southeast of Spoon Hill Road, northwest of Stow Road, north of U. S. Route No. 20, and east of Hosmer Street; that part of the Town of Marlboro lying north of U. S. Route No. 20, south of Millham Road, and west of Elm Street; and that part of the City of Marlboro lying north of U. S. Route No. 20, south and east of Hop Brook, and west of Marlboro Road.

* * * * *

(xxiii) That part of the Town of Stow lying south of State Route No. 117, west of Athens Road, and north of Bolton Road; that part of the Town of Stow lying south of State Route No. 117, north of Walcott Street, west of Hudson Street, and east of Athens Street; and that part of the Town of Stow lying north of Great Road, east of Hobbs Brook, and west of West Street.

* * * * *

(xxvii) That part of the City of Waltham lying east of Wyman Street, south and west of Lincoln Street, and north of Winter Street; that part of the City of Waltham lying south of Winter Street, east of West Street, and west of Lexington Street; and that part of the City of Waltham lying south of Winter Street, east of Hobbs Brook, and west of West Street.

* * * * *

(xxix) The Town of Westford.

* * * * *

(xxxii) That part of the City of Woburn lying south of Putnam Street, north of University Street, east of Middle Street, and west of Ohio Street; that part of the City of Woburn lying north of Russell Street and west of Cambridge Road; that part of the City of Woburn lying south of State Route No. 128, east of Mishawam Road, north of Clinton and Salem Streets, and west of the Western Division of the Portland Branch of the Boston and Maine Railroad; that part of the City of Woburn lying north of Mishawam Road and School Street, east of the Boston and Maine Railroad, south of Boutwell Road, and west of New Boston Street; that part of the City of Woburn lying south of Lexington, Pleasant, Maine, and Salem Streets; that part of the City of Woburn lying north of Boutwell Road and east of New Boston Street; that part of the City of Woburn lying north of Lexington Street, south of Russell Street, and west of U. S. Route No. 3; and that part of the City of Woburn lying north of Clinton and Salem Streets, east of Mishawam Road, south of State Route No. 128, and west of the Portland Branch of the Boston and Maine Railroad.

9. New subdivisions (xxxvii) and (xxxviii) are added to subparagraph (5) of paragraph (e), relating to Middlesex County in Massachusetts, to read:

(xxxvii) The Town of Ayer.

(xxxviii) That part of the Town of Maynard lying north of State Route No. 117, south of Main Street, east of Great Road, and west of Parker Street.

10. Subdivision (ii) of subparagraph (6) of paragraph (e), relating to Norfolk County in Massachusetts, is amended to read:

(ii) That part of the Town of Bellingham lying north and east of Farm Street, west of Hartford Avenue, and south of the inlet and outlet brooks of Drake Pond.

11. A new subdivision (xxiv) is added to subparagraph (6) of paragraph (e), relating to Norfolk County in Massachusetts, to read:

(xxiv) The Town of Millis.

12. Subdivisions (vii), (xi), and (xii) of subparagraph (7) of paragraph (e), relating to Plymouth County in Massachusetts, are amended to read:

(vii) That part of the Town of Lakeville lying east of State Route No. 105, southwest of Baughn Street and north of the Assawomset Lake; and that part of the Town of Lakeville lying south of Rhode Island Road and Myricks Street, north of Highland Street, east of County Road, and west of Bedford Street.

* * * * *

(xi) That part of the Town of Plymouth lying south of Stafford Street, north of Newfield Street, east of Summer Street, and west of Birch Avenue; that part of the Town of Plymouth lying south of State Route No. 3, north of Sandwich Road, east of Pond Street, and west of Obery Street; and that part of the Town of Plymouth lying north of Federal Furnace Road.

(xii) That part of the Town of Plympton lying south of County Road and northwest of Maple Street; that part of the Town of Plympton lying south of Ring Road, north of Brook Street, and east of Upland Road; and that part of the Town of Plympton lying west of Palmer Road and Pleasant Street.

13. Subdivisions (xi), (xv), and (xviii) of subparagraph (8) of paragraph (e), relating to Worcester County in Massachusetts, are amended to read:

(xi) That part of the Town of Oxford lying south of State Route No. 12; and that part of the Town of Oxford lying north of Joe Jinney Road, south and west of Sutton Avenue, and east of Fort Hill Road.

* * * * *

(xv) That part of the Town of Westboro lying north of State Route No. 9; and that part of the Town of Westboro lying north of Gleason Road, south of State Route No. 9, east of Walnut Street, and west of State Route No. 30.

* * * * *

(xviii) That part of the Town of Westminster lying south of State Route No. 2, west of Princeton Road, north of State Route No. 140, and east of Depot Road; and that part of the Town of Westminster lying north of State Route No. 140, south of State Route No. 2 and Franklin Road, east of State Route No. 31, and west of Oak Hill Road.

14. New subdivisions (xxiii), (xxiv), (xxv), (xxvi), (xxvii), (xxviii), (xxix), and (xxx) are added to subparagraph (8) of paragraph (e), relating to Worcester County in Massachusetts, to read:

(xxiii) That part of the Town of Holden lying north of Manning Street and east of State Route No. 31.

(xxiv) That part of the Town of Leominster lying north of North Row Road, south of Union and Grant Streets, east of Pleasant Street, and west of State Route No. 12.

(xxv) That part of the Town of Rutland lying north of State Route No. 122, south of State Route No. 122A, east of Turkey Hill Road, and west of Kenwood Road and Walnut Street; and that part of the Town of Rutland lying north of State Route No. 122, south and east of State Route No. 122A, and west of Pleasantdale Road.

(xxvi) That part of the Town of South Royalston lying north and east of South Royalston Road and south of Winchendon Road; and that part of the Town of South Royalston lying north of U. S. Route No. 202, south and west of South Royalston Road, and east of Royalston Road.

(xxvii) That part of the Town of Spencer lying north of Smithville Road, south of North Brookfield Road, east of Green Laundry Road, and west of the Fair Grounds and State Route No. 31.

(xxviii) That part of the Town of Upton lying north and east of North Street and west of Westboro Road.

(xxix) That part of the Town of Uxbridge lying north of Hartford Avenue, south of West Hill Road, and east of Upon Street; and that part of the Town of Uxbridge lying north of Hazel Street, south and east of Hartford Avenue, and west of State Route No. 122.

(xxx) That part of the Town of Webster lying north of Rawson Road and east of Sutton Road.

15. Subparagraph (1) of paragraph (f), relating to New Jersey, is amended to read:

(1) Atlantic, Bergen, Camden, Gloucester, Hunterdon, and Morris Counties.

16. A new subparagraph (6) is added to paragraph (f), relating to New Jersey, to read:

(6) All of Hudson County except that part of North Bergen Township lying north of Secaucus Road, west of the New York, Susquehanna, and Western Railroad, and south and east of the Pennsylvania Railroad.

17. Subparagraph (1) of paragraph (i), relating to Rhode Island, is amended to read:

(1) All of Bristol County except the following:

(i) That part of the Town of Barrington lying north and west of the Barrington River, south of Wampanaug Trail, and east of County Road.

(ii) That part of the Town of Bristol lying north of Chestnut Street, south of Bayview Avenue, east of Metacom Avenue, and west of Hope Street; and that part of the Town of Bristol lying south of Mt. Hope Avenue, north of Woodlawn Avenue, west of Metacom Avenue, and east of DeWolfe Avenue.

18. New subparagraphs (v) and (vi) are added to subparagraph (2) of paragraph (i), relating to Providence County in Rhode Island, to read:

(v) That part of the Town of Cumberland lying south and east of Cherokee Avenue, north of Rain Street, and west of Spencer Street.

(vi) That part of the Town of Gloucester lying north of Douglas Hook Road, west of Gazza Road, and east of Spring Brook Road.

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment excludes certain areas in California, Massachusetts, New Jersey, and Rhode Island from the areas in which vesicular exanthema has been found to exist and in which a quarantine has been established. Hereafter, the restrictions pertaining to the interstate movement of swine, and carcasses, parts and offal of swine, from or through quarantined areas, contained in 9 CFR, Part 76, Subpart B, as amended (18 F. R. 3636, as amended), will not apply to such areas. However, the restrictions pertaining to such movement from nonquarantined areas, contained in said Subpart B, as amended, will apply thereto.

The amendment relieves certain restrictions presently imposed, and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 2, 32 Stat. 792, as amended; 21 U. S. C. 111. Interprets or applies secs. 4, 5, 23 Stat. 32, sec. 1, 32 Stat. 791; 21 U. S. C. 120)

Done at Washington, D. C., this 19th day of May 1954.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 54-3993; Filed, May 21, 1954; 8:51 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6143]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

DAHLBERG COMPANY ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.110 *Indorsements, approval and testimonials;* § 3.170 *Qualities or properties of product or service;* § 3.250 *Success, use or standing.* Subpart—*Claiming or using indorsements or testimonials falsely or misleadingly:* § 3.330 *Claiming or using indorsements or testimonials falsely or misleadingly.* In connection with the offering for sale, sale, and distribution of the device designated as the "Dahlberg Tru-Sonic Canal Earphone", or any device of substantially similar character, whether sold under the same name or any other name; disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., directly or indirectly, the purchase of said device in commerce, which advertisements represent, directly or through inference, that said device: (a) Will fit the ear canals of all persons; (b) is hidden or out of sight when inserted in the ear canal; (c) has been accepted by the American Medical Association; and (d) will fit all hearing aids; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719; 15 U. S. C. 45.) [Cease and desist order, The Dahlberg Company et al., Minneapolis, Minn., Docket 6143, Apr. 27, 1954]

In the Matter of The Dahlberg Company, a Corporation, and Kenneth H. Dahlberg, Arnold R. Dahlberg, John Palmer, and Lester W. Wilbrecht, Individually

This proceeding was instituted by complaint which charged respondents with unfair and deceptive acts and practices in violation of the provisions of the Federal Trade Commission Act.

It was disposed of, as announced by the Commission's "Notice", dated May 3, 1954, through the consent settlement procedure provided in Rule V of the Commission's rules of practice as follows:

The consent settlement tendered by the parties in this proceeding, a copy of which is served herewith, was accepted by the Commission on April 27, 1954 and ordered entered of record as the Commission's findings as to the facts, conclusion, and order in disposition of this proceeding.

Said order to cease and desist, thus entered of record, following the findings as to the facts [1] and conclusion,[1] reads as follows:

It is ordered, That respondent, The Dahlberg Company, a corporation, and its officers, respondents Kenneth H. Dahlberg, Arnold R. Dahlberg and Lester L. Wilbrecht, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of the device designated as the "Dahlberg Tru-Sonic Canal Earphone," or any device of substantially similar character, whether sold under the same name or any other name, do forthwith cease and desist from, directly or indirectly:

1. Disseminating or causing to be disseminated by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or through inference that said device:

(a) Will fit the ear canals of all persons;

(b) Is hidden or out of sight when inserted in the ear canal;

(c) Has been accepted by the American Medical Association;

(d) Will fit all hearing aids.

2. Disseminating or causing to be disseminated by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of said device in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations prohibited in paragraph 1 above.

It is further ordered, That the complaint be, and it is hereby dismissed against respondent John Palmer, individually and as an officer of respondent, The Dahlberg Company, a corporation.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: May 3, 1954.

By direction of the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 54-3979; Filed, May 21, 1954; 8:48 a. m.]

[1] Filed as part of the original document.

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 995]

[Docket No. AO-197-A2-RO 1]

HANDLING OF MILK IN LIMA, OHIO, MARKETING AREA

NOTICE OF REOPENING OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT, AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the public hearing held at Lima, Ohio, August 17-19, 1953 on proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Lima, Ohio, marketing area, notice of which was issued on July 28, 1953 (18 F. R. 4407) will be reopened at the Barr Hotel, 210 North Union Street, at High, Lima, Ohio beginning at 10:00 a. m., local time, May 27, 1954.

The Deputy Administrator's recommended decision on all issues considered at the hearing was issued March 5, 1954 (19 F. R. 1343) and provided interested parties an opportunity to file exceptions to the findings and recommended changes in the order contained therein. Review of the exceptions filed by producers and handlers discloses a need for more thorough consideration of the type of pooling. In the recommended decision it was concluded that returns from the sale of milk should be distributed to producers under a system of individual-handler pooling instead of the market-wide pool specified in the present order or the modification proposed by producers. The filed exceptions indicate that some parties have considerable additional evidence to present on this subject and raised other points which require further consideration at a hearing before a final decision is reached.

The purpose of the reopened hearing is to afford interested parties opportunity to introduce additional evidence on all aspects of the method of pooling of sales proceeds for the purpose of making payments to producers and to receive additional evidence on any other of the original proposals and on the recommended decision issued by the Deputy Administrator. The amendments proposed have not received the approval of the Secretary of Agriculture.

In order to facilitate the consideration of the issues other than pooling, notice is hereby given that the following further modifications of the amendments to the order which were contained in the recommended decision (18 F. R. 1343) are now recommended on the basis of a study of the exceptions and the record of the hearing:

1. In § 995.45 insert a paragraph as follows:

(c) Subtract from the pounds of butterfat in each class the pounds of butterfat contained in milk or milk products received in packaged form which were classified and priced under another Federal order and disposed of in the same form as received.

2. In § 995.45 redesignate paragraphs "(c)" and "(d)" as "(d)" and "(e)", respectively.

3. Revise § 995.51 (a) to read as follows:

(a) Ascertain the Class I minimum price for milk of 3.5 percent butterfat content for the month as determined pursuant to the order, as amended, regulating the handling of milk in the Cleveland, Ohio, marketing area (Order No. 75) and as adjusted by the location adjustment rate on Class I milk which would be applicable pursuant to Order No. 75 at a pool plant located at Lima. *Provided*, That with respect to Class I milk in sweet or sour cream for fluid consumption, the Class I price shall be the amount set forth above in this paragraph, less 45 cents.

Copies of this notice of hearing and of the tentatively approved marketing agreement, and the order, now in effect may be procured from the Market Administrator, 420 Dominion Building, Lima, Ohio, or from the Hearing Clerk, United States Department of Agriculture in Room 1353, South Building, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 19th day of May 1954.

[SEAL] ROY W. LENNARTSON, *Deputy Administrator.*

[F. R. Doc. 54-3991; Filed, May 21, 1954; 8:50 a. m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 302]

[File No. 205-1]

ARTICLE OF WEARING APPAREL; HANDKERCHIEFS AND SCARFS

INTERPRETATION OF TERM

In the matter of an interpretation of the term "Article of Wearing Apparel" as used in the Flammable Fabrics Act with respect to its applicability to handkerchiefs and scarfs; File No. 205-1.

On April 20, 1954, a notice was published in the FEDERAL REGISTER that the Federal Trade Commission would, beginning on May 11, 1954, give consideration to an interpretation of the term "article of wearing apparel" as it is used in the Flammable Fabrics Act.

The matters to be considered were: (1) Whether handkerchiefs up to a finished size of 24 inches square, and (2) whether handkerchiefs and scarfs (irrespective of size) fall within the definition of the term "article of wearing apparel" as it is used in the Flammable Fabrics Act.

Interested parties were invited to participate by submitting in writing to the Commission on or before such date their views, arguments or other data pertinent to the matter.

The Commission, after due consideration of the matter, together with all views, arguments and other data submitted to it, and being fully advised in the premises, is of the opinion:

(1) That handkerchiefs up to a finished size of twenty-four (24) inches square are not "articles of wearing apparel" as that term is used in the Flammable Fabrics Act.

The Commission retains under advisement the question of whether scarfs are "articles of wearing apparel" as that term is used in the Flammable Fabrics Act.

Issued: May 18, 1954.

By direction of the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 54-3962; Filed, May 21, 1954; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 312]

[Ex Parte No. 193]

FREIGHT TARIFFS AND SCHEDULES

TRANSFER OF TARIFF CIRCULARS NOS. 1 AND 2 TO INTERSTATE COMMERCE COMMISSION FROM FORMER UNITED STATES MARITIME COMMISSION

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 7th day of May A. D. 1954.

It appearing that tariff circulars Nos. 1 and 2, containing regulations governing the publication, posting and filing of rates, fares, and charges by carriers by water in interstate commerce, were transferred to this Commission as regulations governing the construction, filing and posting of certain tariffs containing rates, fares and charges for transportation which formerly was subject to the jurisdiction of the United States Maritime Commission, such transfer being made in accordance with section 321 (b) of the Interstate Commerce Act in so far as such regulations are pertinent under Part III of said act;

It further appearing that section 322 of the Interstate Commerce Act provides that such regulations shall continue in force and effect according to the terms thereof except that the Commission may modify, set aside, or rescind any such regulation to the extent that it finds the same to be in violation of any provision of Part III of the act or inconsistent with the national transportation policy;

And it further appearing that all or practically all water carriers in actual

operation, which formerly were subject to the jurisdiction of the United States Maritime Commission and now subject to the jurisdiction of this Commission, have brought their tariffs into conformity with tariff circulars of this Commission;

It is ordered, That interested common carriers by water in interstate commerce be, and they are hereby, cited to show cause, if any there be, by written submissions (six copies) on or before August 4, 1954, why the said tariff circulars should not be cancelled.

It is further ordered, That notice of this order be given the general public by depositing a copy thereof in the Office of the Secretary of the Commission, and by filing a copy with the Director, Division of the Federal Register.

By the Commission, division 2.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-3989; Filed, May 21, 1954; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

MANIPULATIVE AND DECEPTIVE DEVICES AND CONTRIVANCES

NOTICE OF PROPOSED RULE MAKING

The Securities and Exchange Commission has announced that it has under consideration a proposal to adopt three rules under the Securities Exchange Act of 1934 with respect to certain activities by persons participating in a distribution of securities. Generally speaking, the proposed rules are a formulation of principles which historically have been applied in considering questions relating to manipulative activity and stabilization in connection with a distribution.

The proposals are a part of the Commission's continuing program to set forth in written rules its administrative interpretations wherever possible.

Proposed § 240.10b–6 (Rule X-10B–6) restricts trading activity by persons who are participating or expect to participate in a distribution. Proposed § 240.10b–7 (Rule X-10B–7) sets forth the principles to be followed in stabilizing to prevent or retard a price decline. Proposed § 240.10b–8 (Rule X-10B–8) deals with the peculiar problems arising out of the types of rights offerings which have generally come to be known as the Shields Plan and Columbia Gas Plan type offerings.

If proposed § 240.10b–7 (Rule X-10B–7) is adopted, it is proposed to rescind § 240.9a6–1 (Regulation X-9A6–1). This regulation deals with stabilization in connection with offerings "at the market" of securities registered on a national securities exchange and has apparently proved unworkable. It has generally been considered to be unlawful to engage in stabilizing in connection with an over-the-counter offering "at the market" (see § 240.15c1–8 (Rule X-15C1–8), for instance), and proposed § 240.10b–7 (Rule X-10B–7) would make the prohibition expressly applicable to all types of offerings "at the market". It has been suggested that there is an inherent contradiction in representing that an offering is being made "at the market" when the price of the security is being artificially maintained.

The proposed rules do not purport to cover every possible type of manipulative or deceptive activity. The fact, therefore, that a particular activity is not specifically dealt with in the proposed rules would not necessarily mean that it is not unlawful under the act or the Commission's other rules. No attempt has been made in proposed § 240.10b–7 (Rule X-10B–7) to deal with "upside stabilizing" to prevent or retard a price rise in connection with a distribution. The Commission, however, is studying the possibility of formulating rules with respect thereto. It is also studying possible changes in its Rule X-17A–2 in order to reduce the number of stabilizing reports required to be filed.

It is contemplated that it will be necessary or desirable for the issuer or the managing underwriter to provide by agreement, or by the imposition of appropriate conditions, for restriction of activities regulated by §§ 240.10b–6, 240.10b–7, and 240.10b–8 (Rules X-10B–6, X-10B–7, and X-10B–8) by dealers participating in a distribution.

The proposed rules would be adopted under the provisions of sections 10 (b) and 23 (a) of the Securities Exchange Act of 1934, and insofar as § 240.10b–7 (Rule X-10B–7) is applicable to any security registered on a national securities exchange it would also be adopted under the provisions of section 9 (a) (6) of the act.

The text of the proposed rules is as follows:

§ 240.10b–6 *Prohibition against trading by persons interested in a distribution.* (a) It shall constitute a "manipulative or deceptive device or contrivance", as used in section 10 (b) of the act, for any person who has reasonable cause to believe that he will participate, has agreed to participate, or is participating, in a particular distribution of a security, directly or indirectly, by the use of any means or instrumentality of interstate commerce, or of the mails, or of any facility of any national securities exchange, either alone or with one or more other persons, to bid for or purchase any security of the same class, or any right to purchase any such security, for any account in which he has an interest, or to attempt to induce any person to purchase any such security, until after such distribution is completed: *Provided, however*, That this section shall not prohibit (1) privately negotiated transactions, effected otherwise than on a securities exchange, with the person on whose behalf the distribution is being made, or among persons who have reasonable cause to believe they will participate, have agreed to participate; or are participating, in the distribution; or (2) odd-lot transactions (and the off-setting round-lot transactions hereinafter referred to) by a person registered as an odd-lot dealer in such security on a national securities exchange who offsets such odd-lot transactions in such security by round-lot transactions as promptly as possible; or (3) brokerage transactions not involving solicitation of the customer's order; or (4) the solicitation of orders to buy the securities being distributed at the public offering price; or (5) stabilizing transactions not in violation of § 240.10b–7 (Rule X-10B–7); or (6) transactions, in connection with a rights offering, not in violation of § 240.10b–8 (Rule X-10B–8); or (7) transactions in rights not involving solicitation of the order to sell; or (8) purchases effected on a national securities exchange in accordance with the provisions of a plan filed by such exchange under § 240.10b–2 (d) (Rule X-10B–2 (d)) and declared effective by the Commission.

(b) The distribution of a security (1) which is exchangeable for or convertible into another security, or (2) which entitles the holder thereof to acquire another security, shall be deemed to include a distribution of such other security within the meaning of this section.

§ 240.10b–7 *Stabilizing to facilitate a distribution.*—(a) *Scope of section.* It shall constitute a "manipulative or deceptive device or contrivance", as used in section 10 (b) of the act, for any person, directly or indirectly, by the use of any means or instrumentality of interstate commerce, or of the mails, or of any facilitiy of any national securities exchange, to effect, either alone or with one or more other persons, any series of transactions in any security, for the purpose of stabilizing the price of such security to facilitate an offering of any security, if any transaction in such series of transactions is prohibited by this section.

(b) *Definitions.* Unless the context clearly indicates otherwise, for the purposes of this section the following terms shall have the meaning indicated:

(1) The term "offering at the market" shall be deemed to include an offering in which it is contemplated that the offering price will be changed more often than once in 24 hours: *Provided, however*, That reduction of the offering price shall not in itself make any offering an "offering at the market."

(2) The term "transaction" shall include a bid, an offer, a purchase, or a sale.

(3) The terms "stabilize", "stabilizing", or "stabilized", shall include the placing of any bid, or the effecting of any purchase, for the purpose of pegging, fixing, or stabilizing the price of any security.

(c) *Transactions must be necessary.* No stabilizing bid or purchase shall be made except for the purpose of preventing or retarding a decline in the open market price of such security.

(d) *Priority must be granted.* Any person placing a stabilizing bid or effecting a stabilizing purchase shall grant priority to any independent bid at the same price irrespective of the size of such independent bid or the time when it is entered.

(e) *Control of stabilizing.* Not more than one member of a syndicate or group interested in the distribution of a security shall control stabilizing at any one time; and neither such syndicate or

group, nor any member or members thereof, shall maintain more than one bid in any market at the same price at the same time.

(f) *Stabilizing at prices resulting from unlawful activity.* No stabilizing shall be done at a price which the stabilizer knows or has reasonable grounds to believe is the result of activity which is fraudulent, manipulative, or deceptive under the act or any rule or regulation thereunder.

(g) *Stabilizing prohibited in offerings at the market.* No person shall effect any stabilizing transaction to facilitate any offering at the market.

(h) *Stabilizing securities traded in more than one market.* If a security is traded in more than one market, stabilizing shall not be initiated at any price which would be unlawful in the market which constitutes the principal market for such security in the United States: *Provided, however,* That if the principal market for such security in the United States is a securities exchange and stabilizing is initiated when such exchange is not open for business, then stabilizing shall be initiated at a price which would be permissible in the market which, at such time, constitutes the principal market in the United States for such security.

(i) *Entering stabilizing bid on exchange prior to opening.* No person shall place a stabilizing bid on a securities exchange prior to the time the opening quotations for the security on such exchange are available, unless he has been and is lawfully stabilizing such security at such price.

(j) *Stabilizing levels.* (1) Except as provided in subparagraphs (2) and (3) of this paragraph, no persons shall (i) begin to stabilize a security at a price higher than the highest current independent bid price for such security or (ii) raise the price at which he is stabilizing. If no bona fide independent market for the security being distributed exists at the time of stabilizing is initiated, stabilizing may be initiated at the public offering price.

(2) A stabilizing bid lawful when initiated may be continuously maintained or reduced irrespective of changes in the independent bid, asked, or sale price of such security. If stabilizing is discontinued it shall not be resumed in connection with the same distribution except at the lower of the two following prices: (i) The last lawful stabilizing price, or (ii) the price at which stabilizing could then be initiated: *Provided, however,* That if stabilizing has been discontinued for a period of more than 10 days it may be resumed at the price at which it could then be initiated.

(3) If the principal market for a security is a securities exchange and stabilizing is initiated on such exchange the initial stabilizing bid or purchase may be made at the last independent sale price on such exchange if (i) the security has been traded on such exchange on the day when stabilizing is begun or on either of the two preceding calendar days, and (ii) the current asked price is equal to or above the last independent sale price. If both conditions set forth in subdivisions (i) and (ii) of this subparagraph are not met, no person shall begin to stabilize the security at a price in excess of the highest bid price for such security: *Provided, however,* That if a stabilizing bid has been entered at such current independent bid price and the first sale thereafter on the exchange is an independent sale at a higher price, the security may be stabilized at a price not in excess of such independent sale price.

(4) No person shall stabilize a security at a price above the price at which such security is currently being distributed: *Provided, however,* That special prices available to holders of warrants or rights shall not limit the stabilizing price.

(5) If a security goes ex-dividend, ex-rights, or ex-distribution, the price at which such security is being stabilized shall be reduced by an amount equal to the value of the dividend, right, or distribution, computed to the nearest trading differential: *Provided, however,* That if the dividend, right or distribution has a value of not more than 50 percent of the minimum price differential, the stabilizing price need not be reduced.

(6) When two or more securities are being offered as a unit, the component securities shall not be stabilized at prices the sum of which exceeds the offering price of the unit.

(7) If a security is being called or redeemed it shall be unlawful to stabilize such security at a price above such call or redemption price plus accruals, if any: *Provided, however,* That if such security is directly convertible into or exchangeable for another security or securities, and if the amount of such other security or securities (into which it is convertible or for which it is exchangeable) multiplied by their highest lawful stabilizing price exceeds the call or redemption price plus accruals, then the security may be stabilized at such price.

(k) *Pre-offering stabilizing.* If the initial public offering price of a security is to be a fixed price determined under a formula based on the bid, asked or sale price of such security at a particular time or times, and if the price of such security has been stabilized prior to the commencement of the offering, such stabilizing shall be deemed to have been unlawful if any person participating in the distribution of such security shall offer or sell such security in the course of such distribution at a price higher than the last lawful stabilizing price.

(l) *Disclosure of stabilizing.* Any person subject to this section who sells to, or purchases for the account of, any person, any security the price of which has been stabilized, or any right or warrant to subscribe to any such security, shall give or send to such person, at or before the completion of the transaction, written disclosures that stabilizing purchases have been effected to facilitate the offering, if that be the fact. Such statement shall be in substantially the following form: "Transactions have been effected to stabilize or maintain the price of this security to facilitate a distribution. Such stabilizing may be discontinued at any time."

(m) *Reporting requirements.* Every person subject to this section shall file with the Commission the reports and the notice of termination required to be filed by § 240.17a–2 (Rule X-17A–2) even though he is not otherwise subject to that section.

§ 240.10b–8 *Distributions involving the purchase of rights*—(a) *Scope of section.* The provisions of this section shall apply to any distribution of securities being offered through rights in connection with which any person participating in the distribution purchases any such right as principal and exercises any such right to acquire such security for distribution. It shall constitute a "manipulative or deceptive device or contrivance" as used in section 10 (b) of the act for any person participating in any such distribution, directly or indirectly, by the use of any means or instrumentality of interstate commerce, or of the mails, or of any facility of any national securities exchange, to do any act prohibited by this section in connection with the purchase or sale of any such security or right.

(b) In any distribution subject to this section, the issuer or the person managing the distribution shall set the price at which persons participating in the distribution shall offer or sell the security being distributed; and such price shall not be changed more frequently than once in 24 hours except to be reduced. If the principal market for such security is a securities exchange, such price shall not, at the time it is so set, exceed the price at which such security last sold on a securities exchange (plus an amount equal to an exchange commission) or the current asked price on such exchange (plus such commission), whichever is higher. If the principal market for such security is not a securities exchange, such sale price shall not, at the time it is so set, exceed the highest price at which a dealer not participating in the distribution is then offering the security to other dealers.

(c) No person participating in any distribution subject to this section shall offer or sell the security being distributed at a price other than the price provided for in paragraph (b) of this section: *Provided, however,* That the provisions of this paragraph shall not apply to (1) privately negotiated transactions otherwise than on a securities exchange among persons participating in the distribution; or (2) odd-lot transactions (and the offsetting round-lot transactions hereinafter referred to) by a person registered as an odd-lot dealer in such security on a national securities exchange who offsets such odd-lot transactions in such security by round-lot transactions as promptly as possible; or (3) brokerage transactions not involving solicitation of the customer's order; or (4) offers and sales at the subscription price to holders of rights.

(d) Except as provided in subparagraph (8) of this paragraph, the following additional conditions shall apply if (i) the price of such security is being stabilized to facilitate the distribution, or (ii) any person participating in the distribution (other than one registered as an odd-lot dealer in such rights on a national securities exchange who is acting in such capacity) purchases, as

principal (except in unsolicited privately negotiated transactions otherwise than on a securities exchange effected by or through the manager of the distributing group) any right not necessary (*a*) to acquire securities previously sold by such person in connection with the distribution, or (*b*) to complete a sale of rights made under circumstances indicating that the purchaser intends to exercise such rights:

(1) All purchases of rights by and on behalf of any person or persons participating in the distribution shall be under the control of only one person at any one time, and not more than one bid shall be maintained in any market at the same price at the same time.

(2) No bid for or purchase of rights shall be made until after the expiration of at least one full business day after trading in such rights has lawfully begun: *Provided, however,* That if (i) trading has not begun at the expiration of two full business days after trading in such rights could lawfully have begun, and (ii) the theoretical value of such right can be ascertained by a generally accepted mathematical formula, then such right may be purchased thereafter at a price not in excess of such theoretical value.

(3) If such right is traded in more than one market the initial bid for or purchase of any such right shall not be made at any price which would be unlawful in the market which constitutes the principal market for such rights in the United States: *Provided, however,* That if the principal market for such rights in the United States is a securities exchange and such exchange is not open for business than the initial bid for or purchase of such right may be made at a price which would be permissible in the market which, at such time, constitutes the principal market in the United States for such right.

(4) The initial bid for or purchase of such right shall not be made at a price higher than the highest current independent bid price for such right: *Provided, however,* That if such right is admitted to trading on a securities exchange, such initial bid or purchase may be made at the last independent sale price on such exchange if (i) such right has been traded on such exchange on such day or on the preceding business day and (ii) the current asked price on such exchange is equal to or above such sale price.

(5) Subject to the limitations in subparagraph (7) of this paragraph, a bid which is legal when initiated may be maintained or reduced irrespective of changes in the independent bid, asked or sale price of such right. Except as provided in subparagraph (6) of this paragraph, if the bidding for and purchasing of rights is discontinued for any reason, bidding for or purchasing of rights shall not be resumed except at the lower of the two following prices: (i) The last price at which a lawful bid or purchase was made or (ii) the price which would be applicable if it were the initial bid or purchase.

(6) The price at which a bid for or purchase of rights is made may be increased only if (i) no person participating in the distribution has, as principal, purchased any right for a full business day except in privately negotiated transactions in a market which is not the principal market for such rights at the time of such purchase and (ii) the increased price meets the requirements which would be applicable if it were the initial bid or purchase.

(7) Purchases of rights shall be limited to those necessary to acquire the securities which all persons participating in the distribution have previously sold and are ready, willing and able to sell on the business day on which such rights are purchased: *Provided, however,* That the provisions of this subparagraph shall not apply to purchases of rights in unsolicited privately negotiated transactions otherwise than on a securities exchange.

(8) The provisions of subparagraphs (1) to (7) inclusive of this paragraph shall not apply (i) to privately negotiated transactions in rights, otherwise than on a securities exchange, between persons participating in the distribution; or (ii) to transactions by a person registered as an odd-lot dealer in such rights on a national securities exchange who is acting in such capacity in effecting such transactions.

All interested persons are invited to submit data, views and comments on the above proposals in writing to the Secretary, Securities and Exchange Commission, at its principal office, 425 Second Street NW., Washington 25, D. C., on or before June 18, 1954. Material submitted by any person will be made available for public inspection unless he specifically requests that it be kept confidential. After such written data, views and comments have been received consideration will be given to whether a public hearing should be held on these proposals. Appropriate public notice of any such hearing would, of course, be given.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

MAY 17, 1954.

[F. R. Doc. 54-3968; Filed, May 21, 1954; 8:46 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

MAY 17, 1954.

An application, serial number Fairbanks 010904, for the withdrawal from all forms of appropriation under the public land laws, of the lands described below was filed on March 26, 1954, by the Department of the Army. The purposes of the proposed withdrawal: Alaska Communications System Repeater Site.

For a period of 60 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Area Administrator, Area IV, Bureau of Land Management, Department of the Interior, at Anchorage, Alaska. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a Notice of Determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

Two tracts of land situated within Tok Townsite, U. S. Survey 2931, Alaska, more particularly described as follows:

Tract 1: Commencing at the northwest corner of Lot 8, Block 3E, Tok Townsite; thence, N. 09° 02' E. 80 feet across First Avenue East to the true point of beginning; thence, continuing N. 09° 02' E. 300 feet; thence, S. 80° 58' E. along the south line of Second Avenue East 200 feet; thence, S. 09° 02' W. along the west line of East First Street 300 feet; thence, N. 80° 58' W. along the north line of First Avenue East 200 feet to the true point of beginning, containing approximately 1.38 acres.

Tract 2: Commencing at the northwest corner of Lot 13, Block 4E, Tok Townsite; thence, N. 09° 02' E. 80 feet across First Avenue East to the true point of beginning; thence continuing N. 09° 02' E. 300 feet; thence, S. 80° 58' E. along the south line of Second Avenue East 400 feet; thence, S. 09° 02' W. along the west line of East Second Street 300 feet; thence, N. 80° 58' W. along the north line of First Avenue East 400 feet to the true point of beginning, containing approximately 2.75 acres.

LOWELL M. PUCKETT,
Area Administrator.

[F. R. Doc. 54-3977; Filed, May 21, 1954; 8:47 a. m.]

National Park Service

[Order No. 10]

REGIONAL DIRECTORS

DELEGATIONS OF AUTHORITY WITH RESPECT TO ADMINISTRATION, OPERATION, AND DEVELOPMENT OF CERTAIN AREAS

MAY 17, 1954.

SECTION 1. The Regional Directors of the National Park Service, in the ad-

ministration, operation, and development of the areas and offices in the Regions under their supervision, are authorized to exercise all of the authority vested in the Director, except with respect to the following matters:

(a) Approval of changes in policies and establishment of new policies.

(b) Approval of construction programs and major changes therein.

(c) Location of new roads.

(d) Appointments and status changes involving personnel in grade GS–10 and higher grades, and Superintendents in all grades.

(e) Acquisition of lands, acceptance of donations of personal property valued in excess of $10,000, acceptance of donations of money in excess of $10,000, and acceptance of deeds or other instruments of title relating thereto.

(f) Acceptance of offers in settlement of timber trespasses.

(g) Sales of timber pursuant to section 3 of the act of August 25, 1916 (39 Stat. 535; 16 U. S. C., 1952 ed., sec. 3) in excess of $10,000 for any one transaction.

(h) Functions relating to surplus land pursuant to the Surplus Property Act, as amended (50 U. S. C., App., 1946 ed., Supp. V, sec. 1622 (h)).

(i) Execution of concession contracts and permits in excess of 5 years and approval of transfers of corporate stock.

(j) Execution of permits for the use of national park lands, except revocable special use permits.

(k) Approval of programs for destruction and disposition of wild animals which are damaging the land or its vegetative cover, and of permits to collect rare or endangered species.

(l) Execution and approval of contracts for construction, supplies, or services in excess of $50,000.

(m) Disposition of lands or interests therein.

(n) Approval of and signing of correspondence to the Attorney General concerning pleadings, awards, or judgments in condemnation proceedings.

(o) Requests to the Attorney General to render opinions concerning the validity of title pursuant to section 355, Revised Statutes (40 U. S. C., 1946 ed., sec. 255).

(p) Authorization or approval of the attendance of officers or employees at meetings or conventions of members of societies or associations concerned with the work of the National Park Service.

(q) Approval of the use of a Government-owned motor vehicle between the domicile and place of employment of an officer or employee.

(r) Authorization or approval of the payment of dues for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

(s) Authority to issue general travel authorizations.

SEC. 2. Redelegation: The Regional Directors may, in writing, redelegate to the Superintendents the authority delegated in section 1. Each redelegation shall be published in the FEDERAL REGISTER.

SEC. 3. Appeal: Any party aggrieved by any action or decision of a Regional Director shall have a right of appeal to the Director. Any such appeal shall be in writing and shall be submitted to the official to whom the appeal is taken within 30 days after receipt by the aggrieved party of notice of the action taken or decision made by the Superintendent or the Regional Director, as the case may be.

SEC. 4. Revocation: This order supersedes National Park Service Delegation of Authority Orders Nos. 2, 3, 4, 5, 6, 7, 8, and 9.

(Secretary's Orders Nos. 2586, 2587, 2590, 2621, and Secretary's Orders Nos. 2509, 2512, 2617, 2619, 2635, 2640, 2642, 2696, 2735, as amended; 39 Stat. 535, 16 U. S. C., 1952 ed., sec. 2)

[SEAL] CONRAD L. WIRTH, *Director.*

[F. R. Doc. 54-3964; Filed, May 21, 1954; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

BOSTON TO PROVINCETOWN, MASS., AND RETURN

NOTICE DESCRIBING PROPOSED AIR STAR ROUTE

In accordance with Public Law 277 of the 81st Congress (approved August 30, 1949), notice is hereby given that the Civil Aeronautics Board has received a request from the Postmaster General (Docket No. 6693) for certification that the proposed air star route, hereinafter described, does not conflict with the development of air transportation as contemplated under the Civil Aeronautics Act of 1938, as amended.

The route proposed is as follows: Boston to Provincetown, Mass., and return.

Under the provisions of the said Public Law 277, the Postmaster General is required to obtain the certification of the Board prior to advertising for bids for the carriage of mail by aircraft on any star route. Any contract which may ultimately be awarded by the Postmaster General under such law will not confer authority to carry persons or property (other than mail) by air.

Prior to reaching its decision as to whether the required certification should be issued, the Board desires to afford interested persons an opportunity to comment thereon through the submission of written data, views or arguments, in triplicate, addressed to the Secretary, Civil Aeronautics Board, Washington 25, D. C. All relevant matter in communications bearing the above docket number received on or before June 18, 1954, will be considered by the Board before taking final action on the request of the Postmaster General.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

MAY 18, 1954.

[F. R. Doc. 54-3973; Filed, May 21, 1954; 8:46 a. m.]

LOS ANGELES OR LONG BEACH TO AVALON, CALIF., AND RETURN

NOTICE DESCRIBING PROPOSED AIR STAR ROUTE

In accordance with Public Law 277 of the 81st Congress (approved August 30, 1949), notice is hereby given that the Civil Aeronautics Board has received a request from the Postmaster General (Docket No. 6694) for certification that the proposed air star route, hereinafter described, does not conflict with the development of air transportation as contemplated under the Civil Aeronautics Act of 1938, as amended.

The route proposed is as follows: Los Angeles or Long Beach Calif., to Avalon, Calif., and return.

Under the provisions of the said Public Law 277, the Postmaster General is required to obtain the certification of the Board prior to advertising for bids for the carriage of mail by aircraft on any star route. Any contract which may ultimately be awarded by the Postmaster General under such law will not confer authority to carry persons or property (other than mail) by air.

Prior to reaching its decision as to whether the required certification should be issued, the Board desires to afford interested persons an opportunity to comment thereon through the submission of written data, views or arguments, in triplicate, addressed to the Secretary, Civil Aeronautics Board, Washington 25, D. C. All relevant matter in communications bearing the above docket number received on or before June 18, 1954, will be considered by the Board before taking final action on the request of the Postmaster General.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

MAY 18, 1954.

[F. R. Doc. 54-3974; Filed, May 21, 1954; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

MATHIAS SZEDENIK ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mathias Szedenik, Oberpullendorf, Austria, Claim No. 41809; $1,920 in the Treasury of the United States.

Ignaz Szedenik, Oberpullendorf, Austria, Claim No. 41961; $1,920 in the Treasury of the United States.

Elizabeth Biricz, Kleinwarasdorf, Austria, Claim No. 42886; $274.28 in the Treasury of the United States.

Lidvina Szedenik, Kleinwarasdorf, Austria, Claim No. 42887; $274.28 in the Treasury of the United States.

Dometer Szedenik, Kleinwarasdorf, Austria, Claim No. 42888; $274.28 in the Treasury of the United States.

Maria Fischer, Kleinwarasdorf, Austria, Claim No. 42890; $274.28 in the Treasury of the United States.

Executed at Washington, D. C., on May 14, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 54-3950; Filed, May 20, 1954; 8:51 a. m.]

HANS MAXIMILIAN CALMANN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Hans Maximilian Calmann, London, England, Claim No. 42103; $2,268.90 in the Treasury of the United States.

Executed at Washington, D. C., on May 14, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 54-3956; Filed, May 20, 1954; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6547]

PACIFIC POWER & LIGHT CO. AND MOUNTAIN STATES POWER CO.

NOTICE OF ORDER AUTHORIZING MERGER OF FACILITIES AND ISSUANCE OF SECURITIES

MAY 18, 1954.

Notice is hereby given that on May 13, 1954, the Federal Power Commission issued its order adopted May 12, 1954, in the above-entitled matters, authorizing merger of facilities and issuance of securities by Pacific Power & Light Company, as the surviving corporation.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-3965; Filed, May 21, 1954; 8:45 a. m.]

[Docket No. G-2274]

UNITED FUEL GAS CO.

NOTICE OF ORDER APPROVING PROPOSED SETTLEMENT AND MAKING EFFECTIVE TARRIF PROVISIONS

MAY 18, 1954.

Notice is hereby given that on May 13, 1954, the Federal Power Commission issued its order adopted May 12, 1954, approving proposed settlement and making effective tariff provisions in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-3966; Filed, May 21, 1954; 8:45 a. m.]

[Docket No. G-2426]

MONTANA-DAKOTA UTILITIES CO.

NOTICE OF APPLICATION

MAY 18, 1954.

Take notice that Montana-Dakota Utilities Co. (Applicant), a Delaware corporation having its principal place of business in Minneapolis, Minnesota, filed, on May 10, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of approximately 1.2 miles of 2⅜-inch pipeline, extending from Applicant's leased Worland-Cabin Creek line in Rosebud County, Montana, to Applicant's proposed gas distribution system in the Community of Rosebud, together with appurtenant facilities to extend natural gas service to the Community of Rosebud, Montana.

Applicant requests that its application be heard under the shortened procedure pursuant to § 1.32 (b) of the Commission's rules of practice and procedure. Applicant proposes to finance construction from working capital.

Protests or petitions to intervene may be filed with the General Power Commission, Washington, D. C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 7th day of June 1954. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-3978; Filed, May 21, 1954; 8:48 a. m.]

GENERAL SERVICES ADMINISTRATION

SECRETARY OF DEFENSE

DELEGATION OF AUTHORITY WITH RESPECT TO DISPOSAL OF REAL PROPERTY AT VANPORT CITY, PORTLAND, OREGON

1. Pursuant to authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, herein called the act, authority is hereby delegated to the Secretary of Defense to determine that the property known as the former site of war housing project ORE-35053, located at Vanport City, Portland, Oregon, and more specifically described in GSA Form 30, "Report of Excess Real Property," submitted to the General Services Administration August 15, 1951, by the Deputy Assistant Commissioner for War Emergency Housing, Public Housing Administration, and corrections thereof dated May 21, 1952, and July 1, 1952, is not required for the needs and responsibilities of Federal agencies; and thereafter to dispose of such property by exchange or otherwise as the interest of the Government may require.

2. Prior to such determination and disposal of the property, the Secretary of Defense shall take such steps as may be appropriate to determine whether any Federal agency has need therefor, and if so, shall authorize transfer of the property to such agency upon such terms as to reimbursement as may be prescribed in accordance with section 202 (a) of the act, as amended.

3. The authority conferred herein shall be exercised in accordance with the act and regulations issued pursuant thereto, and in particular section 203 (e) of the act, as amended by section 1 (i) of Public Law 522, 82d Congress, and Public Law 245, 83d Congress, requiring that an explanatory statement shall be prepared and submitted to the appropriate committees of Congress and a copy preserved in the file of all cases where negotiated disposal occurs. Such statements shall be submitted to the committees at least thirty (30) days prior to consummation of any negotiated disposal, and a copy of each such statement shall be furnished this Administration.

4. The authority herein delegated may be redelegated to any officer, official, or employee of the Department of Defense.

5. This delegation of authority shall be effective as of the date hereof.

Dated: May 19, 1954.

EDMUND F. MANSURE,
Administrator.

[F. R. Doc. 54-4017; Filed, May 20, 1954; 4:47 p. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-127]

ELECTRIC BOND AND SHARE CO.

ORDER GRANTING RECITALS

MAY 18, 1954.

The Commission having heretofore approved a plan filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act") by Electric Bond and Share Company ("Bond and Share"), a registered holding company, providing, among other things, for a capital distribution of a portion of its holdings of the common stock of United Gas Corporation ("United Gas"); and

Bond and Share having notified the Commission pursuant to Rule U-44 (c) of the rules and regulations under the act of the declaration of a dividend on the common stock of Bond and Share payable June 28, 1954, to stockholders of record on May 24, 1954, in shares of the common stock of United Gas at the rate of 1.8 shares of United Gas stock for each 100 shares of Bond and Share stock, which will require an aggregate of 94,506 shares of United Gas stock.

No fractional shares of United Gas stock will be delivered. In lieu thereof Bond and Share's dividend agent, Bankers Trust Company, will be instructed to sell on behalf of stockholders that number of shares of United Gas stock which would otherwise be delivered

as fractional shares and to pay to the stockholders entitled thereto the gross proceeds to be derived from such sales. Bond and Share will assume expenses of sales.

The Commission having notified Bond and Share that no declaration need be filed with respect to this matter; and

Bond and Share having requested that the Commission enter an order containing the recitals required by section 1808 (f) and Supplement R of the Internal Revenue Code, and the Commission deeming it appropriate that such request be granted:

It is ordered and recited, That the payment by Electric Bond and Share Company as a dividend to its stockholders of 94,506 shares of common stock of United Gas Corporation is necessary or appropriate to the integration or simplification of the holding company system of which Electric Bond and Share Company is a member and is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, all in accordance with the meaning and requirements of the Internal Revenue Code and section 1808 (f) and Supplement R thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-3969; Filed, May 21, 1954; 8:46 a. m.]

[File No. 70-2745]

NEW ENGLAND GAS AND ELECTRIC ASSN.

ORDER FURTHER POSTPONING HEARING

MAY 18, 1954.

The Commission having by order issued March 22, 1954, postponed, at the request of applicant-declarant, until June 1, 1954, the hearing scheduled for March 31, 1954, in respect of the application-declaration of New England Gas and Electric Association, under the Public Utility Holding Company Act of 1935, for an exception from Rule U-45 thereunder; and

Applicant-declarant having filed a request for a further postponement of said hearing for an additional period of ninety days from June 1, 1954; and the Commission deeming it appropriate to grant such request, and that the order granting such request shall become effective forthwith:

It is ordered, That the hearing in respect of said application-declaration for an exception from Rule U-45 be, and it hereby is, postponed to August 30, 1954, at 10:00 a. m., e. d. s. t., at the office of the Commission, 425 Second Street NW., Washington 25, D. C.

It is further ordered, That this order shall become effective immediately upon its issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-3967; Filed, May 21, 1954; 8:46 a. m.]

[File No. 812-874]

AMERICAN ANNUITY SAVINGS ASSN. AND AMERICAN ANNUITY LIFE INSURANCE CO.

NOTICE OF FILING OF APPLICATION

MAY 18, 1954.

Notice is hereby given that American Annuity Savings Association ("American Annuity"), East Lansing, Michigan, a corporation organized under the laws of the State of Michigan and a registered face-amount certificate company, and American Annuity Life Insurance Company ("New Company"), also a corporation organized under the laws of the State of Michigan, the proposed successor to American Annuity, have filed an application and an amendment thereto pursuant to section 6 (c) of the act for an order exempting New Company from the provisions of section 7 (a) of the act, subject to certain conditions.

American Annuity, which has face-amount certificates outstanding but has not sold any such certificates since 1943, proposes, in effect, to change its business to that of a life insurance company. The application states that this course will enable American Annuity to service its face-amount certificates to their maturity by preserving the company's earning power which is being impaired by a reduction in the company's assets because of the continuous maturing and liquidation of American Annuity's outstanding face-amount certificates.

American Annuity's program for effecting the transition to the business of an insurance company provides that (1) American Annuity will declare a stock dividend and sell additional stock to existing stockholders in such amount as to increase its net worth to about $220,000; (2) American Annuity will transfer all its assets to New Company which is to be a stock life insurance company, in exchange for the capital stock of the New Company; (3) in connection with such transfer of assets New Company will assume all the liabilities of American Annuity, including the liabilities and obligations on the face-amount certificates, and will become a party to the existing agreement of American Annuity providing for deposit of assets with a bank or trust company in accordance with section 28 (a) and (b) of the act; (4) simultaneously with said transfer of assets, American Annuity will be liquidated, and the capital stock of New Company will be distributed pro rata to the stockholders of American Annuity in exchange for their stock of American Annuity; upon completion of said liquidating distribution, American Annuity will be dissolved.

Following the proposed assumption by New Company of the outstanding face-amount certificates, neither American Annuity nor New Company will issue or sell any face-amount certificates.

The filing indicates that an application has been filed with the Department of Insurance of the State of Michigan requesting the issuance to New Company of a license to do business as a stock life insurance company; that such Department of Insurance has issued to New Company a preliminary certificate authorizing it to proceed to qualify as a stock life insurance company by securing the requisite applications for New Company's capital stock; and that upon the consummation of the program referred to above and the issuance to it of the license applied for, New Company will be subject to the jurisdiction of the Department of Insurance of the State of Michigan.

Section 6 (c) of the act provides that the Commission may, conditionally or unconditionally, exempt any persons, securities or transactions, from any provision of the act or of any rule thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act. Section 6 (e) provides that where, in exempting an investment company pursuant to section 6 from any of the provisions of section 7, the Commission deems it necessary or appropriate in the public interest or for the protection of investors that certain specified provisions of the act shall be applicable in respect of such company, the provisions so specified shall apply to such company, and to other persons in their transactions and relations with such company, as though such company were a registered investment company.

The conditions proposed by applicants provide that the following provisions of the act shall be applicable to New Company and to other persons in their transactions and relations to New Company: Sections 8 (b), 9, 10, 17 (a), (d), (h) and (i), 18 (j), 20 (a), 25, 28 (a) (2), 28 (b) and (c), 29, 36, 37, and 47; except that section 8 (b) shall apply only to the extent that information be furnished as to Items 1–14, inclusive of Form N-8B-4; and except that with respect to the capital requirements of section 28 (b), New Company shall be deemed to have been organized and continuously engaged in the business of issuing face-amount certificates since prior to March 15, 1940.

For a more detailed statement of the matters of face and law asserted, all interested persons are referred to said application which is on file in the office of the Commission in Washington, D. C.

Notice is further given that any interested person may, not later than June 1, 1954, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-3970; Filed, May 21, 1954; 8:46 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[ODM (DPA) Request No. 53—DPAV-46 (b)]

SUPERIOR OIL CO.

ADDITION TO LIST OF COMPANIES ACCEPTING REQUEST TO PARTICIPATE IN THE VOLUNTARY AGREEMENT RELATING TO FOREIGN PETROLEUM SUPPLY, AS AMENDED

Pursuant to section 708 of the Defense Production Act of 1950, as amended, there is herewith published the name of the following company which has accepted the request to participate in a voluntary agreement entitled, "Voluntary Agreement Relating to Foreign Petroleum Supply," dated May 1, 1953, as amended, which request and list of companies accepting such request were published in 19 F. R. 2278 on April 20, 1954.

The Superior Oil Company, 610 West Fifth Street, Los Angeles, Calif.

(Sec. 708, 64 Stat. 818, as amended; 50 U. S. C. 2158; E. O. 10480, Aug. 14, 1953, 18 F. R. 4939)

Dated: May 20, 1954.

[SEAL] ARTHUR S. FLEMMING, *Director.*

[F. R. Doc. 54-4042; Filed, May 21, 1954; 11:31 a. m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 21]

MASSACHUSETTS

DECLARATION OF DISASTER AREA

Whereas, it has been reported that beginning on or about May 16, 1954, because of the disastrous effects of rain and floods, damage resulted to residences and business property located in certain areas in the State of Massachusetts; and

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitue a catastrophe within the purview of the Small Business Act of 1953;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) of the Small Business Act of 1953 may be received and considered by the SBA Regional or Branch Office below indicated from persons or firms whose property situated in the following county (hereinafter referred to as "the disaster area") suffered damage or other destruction as a result of the catastrophe above referred to:

County of: Essex, Small Business Administration Regional Office, 40 Broad Street, Boston 9, Mass.

2. Special field offices will not be established to receive and process such applications.

3. No disaster loan application from any resident or firm situated in the disaster areas will be accepted under the authority of this order subsequent to November 30, 1954.

Dated: May 18, 1954.

WENDELL B. BARNES, *Administrator.*

[F. R. Doc. 54-3975; Filed, May 21, 1954; 8:47 a. m.]

[Declaration of Disaster Area 22]

NEW MEXICO

DECLARATION OF DISASTER AREA

Whereas, it has been reported that beginning on or about May 17, 1954, because of the disastrous effects of severe thunderstorms and the heavy rains, damage resulted to residences and business property located in certain areas in the State of New Mexico; and

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) of the Small Business Act of 1953 may be received and considered by the SBA Regional Office below indicated from persons or firms whose property situated in the following county (hereinafter referred to as "the disaster area") suffered damage or other destruction as a result of the catastrophe above referred to:

County of: Chaves, Small Business Administration Regional Office, New Customhouse, Room 235, Nineteenth and Stout Streets, Denver 2, Colo.

2. Special field offices will not be established to receive and process such applications.

3. No disaster loan application from any resident or firm situated in the disaster area will be accepted under the authority of this order subsequent to November 30, 1954.

Dated: May 18, 1954.

WENDELL B. BARNES, *Administrator.*

[F. R. Doc. 54-3976; Filed, May 21, 1954; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29255]

LUMBER FROM CHATTAHOOCHEE, FLA., TO DOTHAN, ALA.

APPLICATION FOR RELIEF

MAY 18, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Central of Georgia Railway Company and Seaboard Air Line Railroad Company.

Commodities involved: Lumber and related articles, carloads.

From: Chattahoochee, Fla.

To: Dothan, Ala.

Grounds for relief: Competition with rail carriers, and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1282, supp. 45.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-3933; Filed, May 20, 1954; 8:48 a. m.]

[4th Sec. Application 29260]

PIPE FROM TEXAS POINTS TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

MAY 18, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Pipe or tubing, iron or steel and related articles, carloads.

From: Fort Worth, Houston, Lone Star and Orange, Texas.

To: Points in southern territory.

Grounds for relief: Rail competition, circuity, market competition, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4108.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their

interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-3938; Filed, May 20, 1954; 8:49 a. m.]

[4th Sec. Application 29261]

PETROLEUM CRESYLIC ACID FROM TEXAS TO OFFICIAL TERRITORY

APPLICATION FOR RELIEF

MAY 18, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Petroleum cresylic acid (a by-product of sludge residue resulting from the refining or processing of petroleum oil) in tankcar loads.

From: Atreco, Big Spring, Chaison, Colorado City, Houston and Texas City, Texas.

To: Specified points in official territory.

Grounds for relief: Rail competition, circuity, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3967, supp. 344.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-3939; Filed, May 20, 1954; 8:49 a. m.]

No. 100——3

[4th Sec. Application 29262]

WOODPULP FROM FOLEY, FLA., TO WESTERN TRUNK-LINE TERRITORY

APPLICATION FOR RELIEF

MAY 19, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: woodpulp, carloads.

From: Foley, Fla.

To: Points in western trunk-line territory.

Grounds for relief: Rail competition, circuity, to apply rates constructed on the basis of the short line distance formula, and additional origin.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1260, supp. 62.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-3980; Filed, May 21, 1954; 8:48 a. m.]

[4th Sec. Application 29263]

WOODPULP FROM FOLEY, FLA., TO OFFICIAL TERRITORY

APPLICATION FOR RELIEF

MAY 19, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Woodpulp, carloads.

From: Foley, Fla.

To: Points in official and Illinois territories.

Grounds for relief: Rail competition, circuity, to apply rates constructed on the basis of the short line distance formula, and additional origin.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1260, supp. 62.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-3981; Filed, May 21, 1954; 8:48 a. m.]

[4th Sec. Application 29264]

SAND FROM ATTICA, IND., TO MONTICELLO, ILL.

APPLICATION FOR RELIEF

MAY 19, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for the Wabash Railroad Company.

Commodities involved: Sand, carloads.

From: Attica, Ind.

To: Monticello, Ill.

Grounds for relief: Wayside pit competition.

Schedules filed containing proposed rates: Wabash Railroad Company, I. C. C. No. 7685, supp. 47.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-3982; Filed, May 21, 1954; 8:48 a. m.]

[4th Sec. Application 29265]

SILICA SAND FROM MAIDEN ROCK, WIS., TO THE SOUTHWEST

APPLICATION FOR RELIEF

MAY 19, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Silica sand, carloads.

From: Maiden Rock, Wis.

To: Points in southwestern territory.

Grounds for relief: Competition with rail carriers, circuitous routes, and additional origin.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3736, supp. 256.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-3983; Filed, May 21, 1954; 8:49 a. m.]

[4th Sec. Application 29266]

CEMENT FROM SOUTHERN POINTS TO SOUTH JACKSONVILLE, FLA.

APPLICATION FOR RELIEF

MAY 19, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Cement and related articles, carloads.

From: Points in southern territory.

To: South Jacksonville, Fla.

Grounds for relief: Rail competition, circuity, to maintain grouping, and additional destination.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1392, supp. 18.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-3984; Filed, May 21, 1954; 8:49 a. m.]

[4th Sec. Application 29267]

FERTILIZER SOLUTIONS FROM VICKSBURG AND YAZOO CITY, MISS., TO HARGER, MICH., AND VINCENNES, IND.

APPLICATION FOR RELIEF

MAY 19, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Fertilizer ammoniating solution and fertilizer nitrogen solution, in tank-car loads.

From: Vicksburg and Yazoo City, Miss.

To: Harger, Mich., and Vincennes, Ind.

Grounds for relief: Rail competition, circuity, market competition, and additional destinations.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1366, supp. 27.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-3985; Filed, May 21, 1954; 8:49 a. m.]

[4th Sec. Application 29268]

LUMBER FROM POINTS IN SOUTHERN TERRITORY TO SOUTH DAKOTA

APPLICATION FOR RELIEF

MAY 9, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Lumber and related articles, carloads.

From: Points in southern territory.

To: Points in South Dakota.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1101, supp. 94.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-3986; Filed, May 21, 1954; 8:49 a. m.]

[4th Sec. Application 29269]

VARIOUS COMMODITIES FROM SOUTHERN TERRITORY TO POINTS IN SOUTHERN AND OFFICIAL TERRITORIES

APPLICATION FOR RELIEF

MAY 19, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedules listed in exhibit A of the application, pursuant to fourth-section order No. 17220.

Commodities involved: Various commodities, carloads.

From: Specified points in southern territory and St. Louis, Mo., and East St. Louis, Ill.

To: Points in southern and official territories.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-3987; Filed, May 21, 1954; 8:49 a. m.]

[4th Sec. Application 29270]

TRANSIT RATES ON LUMBER FROM NORTH PACIFIC COAST AND MONTANA TERRITORIES TO IOWA AND NEBRASKA

APPLICATION FOR RELIEF

MAY 19, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to his tariffs I. C. C. Nos. 1474 and 1545, and Chicago and North Western Railway Company tariff I. C. C. No. 11263.

Commodities involved: Lumber and other forest products, carloads.

From: North Pacific Coast and Montana territories.

To: Points in Iowa and Nebraska.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-3988; Filed, May 21, 1954; 8:50 a. m.]